

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In re:) Case No.: 21-10763
Giorgi Meskhi) Chapter: 13
) Hearing Date: 3/23/2023
)
Debtor) Judge Donald R. Cassling

NOTICE OF MOTION

TO: See attached list

P PLEASE TAKE NOTICE that on 3/23/2023, at 9:30AM, I will appear before the Honorable Judge Donald R. Cassling, or any judge sitting in that judge's place, **either** in courtroom 619 of the Everett McKinley Dirksen Building, 219 South Dearborn, Chicago, Illinois, **or** electronically as described below, and present the motion of Codilis & Associates, P.C. for Fifth Third Bank, National Association Successor by merger to MB Financial, N.A., a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

You may appear electronically by video or by telephone.

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 414 7941, and the passcode is 619. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Terri M. Long
Attorney for Movant

Rachael A. Stokas ARDC#6276349

Peter C. Bastianen ARDC#6244346

Joel P. Fonferko ARDC#6276490

Berton J. Maley ARDC#6209399

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Codilis & Associates, P.C.

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(630) 794-5300

bkpleadingsNORTHERN@il.cslegal.com

File No. 14-21-03454

NOTE: This law firm is a debt collector.

CERTIFICATE OF SERVICE

I, Terri M. Long, certify that I served a copy of this notice and the attached motion on each entity shown on the service list below at the address shown and by the method indicated on the list on March 7, 2023.

Thomas H. Hooper, Chapter 13 Trustee, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603 by electronic notice through ECF

Giorgi Meskhi, Debtor, 100 Lake Blvd, Apt. 680, Buffalo Grove, IL 60089 by pre-paid first class U.S. Mail
Luliya Meskhi, Co-Debtor, 100 Lake Blvd., #680, Buffalo Grove, Illinois 60089 by pre-paid first class U.S. Mail

David Freydin, Attorney for Debtor, 8707 Skokie Blvd Suite 312, Skokie, IL 60077 by electronic notice through ECF

Office of U.S. Trustee, 219 S. Dearborn St., Room 873, Chicago, IL 60604 by electronic notice through ECF

/s/ Terri M. Long
Attorney for Movant

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Giorgi Meskhi

Debtor

Case No.: 21-10763
Chapter: 13
Hearing Date: 3/23/2023

Judge Donald R. Cassling

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

NOW COMES Fifth Third Bank, National Association Successor by merger to MB Financial, N.A., (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) and §1301(c) for an Order granting Movant relief from the automatic stay and co-debtor stay, and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois, Eastern Division;
2. The Debtor is indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 100 Lake Blvd. #680, Buffalo Grove, IL 60089;
3. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor filing of this petition on 9/17/2021;
4. The Chapter 13 plan herein provides for the cure of the default of said mortgage and maintenance of current payments during the pendency of the proceeding;
5. Pursuant to the plan, Debtor is to disburse the current monthly mortgage payments directly to Movant beginning with the first payment due after the filing of the Chapter

13 Bankruptcy (subject to periodic adjustment due to change in escrow);

6. Movant is entitled to relief from the automatic stay under 11 U.S.C. Section 362(d) for the following reasons:

- a) As of 03/06/2023, the Debtor is past due for the 12/1/2022 payment, and all amounts coming due since that date. Any payments received after this date may not be reflected in this default;
- b) As of 03/06/2023, the total post-petition default through and including 3/1/2023, is \$5,111.72, which includes a suspense credit of \$678.00. Any payments received after this date may not be reflected in this default. This amount includes post-petition attorney fees in the amount of \$1,238.00;

7. Said failure to make post-petition mortgage payments is sufficient grounds for relief from the automatic stay for cause pursuant to 11 U.S.C. Section 362(d)(1);

8. This Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

9. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding:

\$1,050.00 for Preparation of Notice and Motion for Relief from the Automatic Stay, and prosecution of same
\$188.00 for Court filing fee

10. That the subject note and mortgage are co-signed by Luliya Meskhi and that to the extent that the co-debtor stay of 11 U.S.C. §1301 applies to real estate loans, it applies to Luliya Meskhi and grounds exist for relief therefrom under 11 U.S.C. §1301(c)(1) as the co-debtor received an ownership interest in the house and under 11 U.S.C. §1301(c)(3) if the automatic stay is modified therein;

WHEREFORE, Fifth Third Bank, National Association Successor by merger to MB Financial, N.A. prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) and Section 1301(c) modifying the automatic stay and co-debtor stay as to Movant, allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated this March 7, 2023.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Terri M. Long
Attorney for Movant

Rachael A. Stokas ARDC#6276349

Peter C. Bastianen ARDC#6244346

Joel P. Fonferko ARDC#6276490

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